

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Carolyn Q. Higinbotham

I, or we, John P. Higinbotham, legal owner of the property described in Baltimore County and which is described in the description and plat attached hereto and made a part hereof.

herby petition for a Variance from Section 1802, 3-C, 1 to permit a side setback of:

5 feet in lieu of the required 10 feet. (P.B. 5-5 Zone)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (define hardship or practical difficulty) Section 211.3 provides 8' clearance between the improvement and the lot next adjacent with not less than 20' clearance on both sides of said improvement. The owners/petitioners maintain a 12' wide stone patio apron on the west side of 411 Alabama Road with the present clearance from said point to the property line of 409 Alabama Road of less than 8'. The owners/petitioners wish to improve this patio by enclosing it with a roof and walls in order to improve the property, and therefore request a variance to allow it to build within 5' rather than 8' of the next adjacent property line. Other residents of the community have obtained such variances, the immediate adjacent landowners have not objected to the variance, and the owners/petitioners allege that the variance would not adversely affect public health, safety, or general welfare.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Contract purchaser

Petitioner's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day

of August 1978, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County; in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning

Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

County, on the 6th day of November 1978, at 10:00 o'clock

A. M.

(over)

DESCRIPTION OF 411 ALABAMA ROAD

BEGINNING for the same on the south side of Alabama Road approximately 240' east of its intersection with Dixie Drive, the improvements thereon being known as 411 Alabama Road

In the ninth Election District being also that lot of ground designated as Lot Number 13 on the plat of "SOUTHLAND HILLS" which plat is filed among the land records of Baltimore County in Plat Book C.W.B., Jr., Liber 12, Folio 50, dated February, 1939.

RE: PETITION FOR VARIANCE
S/S of Alabama Ave., 240'
E of Dixie Drive, 9th District
JOHN P. HIGINBOTHAM, et ux,
Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

John W. Hession, III
John W. Hession, III
County Office Building
Towson, Maryland 21204
494-2188
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 18th day of October, 1978, a copy of the foregoing

Order was mailed to Mr. and Mrs. John P. Higinbotham, 411 Alabama Road, Towson, Maryland 21204, Petitioners.

John W. Hession, III
John W. Hession, III

PETITION FOR VARIANCE
SOUTH SIDE ALABAMA ROAD
240' EAST OF DIXIE DRIVE
9TH DISTRICT

COUNTY OF BALTIMORE
STATE OF MARYLAND, SS. AFFIDAVIT

1. Charles B. Chinn, being first duly sworn, deposes and says:
1. That I am the resident owner of 401 Dixie Drive where I have resided in excess of five (5) years.

2. That 401 Dixie Drive is on the north side of Alabama Road at its intersection with Dixie Drive, and opposite petitioner's property.

3. That I am familiar with petitioner's property and the flagstone patio now covered by an awning located to the west of the improvement thereon.

4. That I am advised that petitioner intends to enclose said patio with a permanent roof and siding to be within approximately five feet (5') of the property line next adjoining to the west.

5. That I have no objection to the granting of a variance from the set back restrictions to allow petitioner to build the intended porch enclosure to within five feet (5') of said property line.

6. That said improvement would enhance petitioner's property and would not adversely affect my property or the community.

7. That the requested variance could not adversely affect the public health, safety, or general welfare of the community.

Charles B. Chinn
Charles B. Chinn
Affiant

Subscribed and sworn before me this 18th day of October 1978.

1978.

John W. Hession, III
John W. Hession, III
Notary Public
My Commission expires July 1, 1981.

PETITION FOR VARIANCE
SOUTH SIDE ALABAMA ROAD
240' EAST OF DIXIE DRIVE
9TH DISTRICT

COUNTY OF BALTIMORE
STATE OF MARYLAND, SS. AFFIDAVIT

1. Mary Ulrich, being first duly sworn, deposes and says:
1. That I am the resident owner of 409 Alabama Road where I have resided in excess of fifteen (15) years.

2. That 409 Alabama Road is the next adjacent property to the west of petitioner's property.

3. That I am familiar with petitioner's property and the flagstone patio now covered by an awning located to the west of the improvement thereon.

4. That I am advised that petitioner intends to enclose said patio with a permanent roof and siding to be within approximately five feet (5') of the property line next adjoining to the west.

5. That I have no objection to the granting of a variance from the set back restrictions to allow petitioner to build the intended porch enclosure to within five feet (5') of said property line.

6. That said improvement would enhance petitioner's property and would not adversely affect my property or the community.

7. That the requested variance could not adversely affect the public health, safety, or general welfare of the community.

Mary E. Ulrich
Mary E. Ulrich
Affiant

Subscribed and sworn before me this 20th day of October 1978.

John W. Hession, III
John W. Hession, III
Notary Public
My Commission expires July 1, 1981.

PETITION FOR VARIANCE
SOUTH SIDE ALABAMA ROAD
240' EAST OF DIXIE DRIVE
9TH DISTRICT

COUNTY OF BALTIMORE
STATE OF MARYLAND, SS. AFFIDAVIT

1. Dennis W. Kreiner, being first duly sworn, deposes and says:

1. That I am the resident owner of 400 Alabama Road where I have resided in excess of five (5) years.

2. That 400 Alabama Road is the property located on the north side, immediately opposite of petitioner's property.

3. That I am familiar with petitioner's property and the flagstone patio now covered by an awning located to the west of the improvement thereon.

4. That I am advised that petitioner intends to enclose said patio with a permanent roof and siding to be within approximately five feet (5') of the property line next adjoining to the west.

5. That I have no objection to the granting of a variance from the set back restrictions to allow petitioner to build the intended porch enclosure to within five feet (5') of said property line.

6. That said improvement would enhance petitioner's property and would not adversely affect my property or the community.

7. That the requested variance could not adversely affect the public health, safety, or general welfare of the community.

Dennis W. Kreiner
Dennis W. Kreiner
Affiant

Subscribed and sworn before me this 30th day of October 1978.

John W. Hession, III
John W. Hession, III
Notary Public
My Commission expires July 1, 1981.

PETITION FOR VARIANCE
SOUTH SIDE ALABAMA ROAD
240' EAST OF DIXIE DRIVE
9TH DISTRICT

COUNTY OF BALTIMORE
STATE OF MARYLAND, SS. AFFIDAVIT

1. Arthur Kronen, being first duly sworn, deposes and says:

1. That I am the resident owner of 413 Alabama Road where I have resided in excess of fifteen (15) years.

2. That 413 Alabama Road is the next adjacent property to the east of petitioner's property.

3. That I am familiar with petitioner's property and the flagstone patio now covered by an awning located to the west of the improvement thereon.

4. That I am advised that petitioner intends to enclose said patio with a permanent roof and siding to be within approximately five feet (5') of the property line next adjoining to the west.

5. That I have no objection to the granting of a variance from the set back restrictions to allow petitioner to build the intended porch enclosure to within five feet (5') of said property line.

6. That said improvement would enhance petitioner's property and would not adversely affect my property or the community.

7. That the requested variance could not adversely affect the public health, safety, or general welfare of the community.

Arthur Kronen
Arthur Kronen
Affiant

Subscribed and sworn before me this 30th day of October 1978.

John W. Hession, III
John W. Hession, III
Notary Public
My Commission expires July 1, 1981.

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
JMH:GMS
George J. Martinak
Deputy Zoning Commissioner

November 8, 1978

Mr. & Mrs. John P. Higinbotham
411 Alabama Road
Towson, Maryland 21204

RE: Petition for Variance
S/S of Alabama Road, 240' E
of Dixie Drive - 9th Election
District
John P. Higinbotham, et ux -
Petitioners
NO. 79-102-A (Item No. 39)

Dear Mr. & Mrs. Higinbotham:

I have this date passed my Order in the above referenced matter, in accordance with the attached.

Very truly yours,
George J. Martinak
George J. Martinak
Deputy Zoning Commissioner

GJM:ar

Attachment

cc: John W. Hession, III, Esquire
People's Counsel

MAR 13 1979

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners:

the above Variance should be had; and it further appears that by reason of the granting of the Variance requested, not adversely affecting the health, safety, and general welfare of the community, the Variance to permit a side yard setback of five feet in lieu of the required ten feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of November 1978, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Department of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of:

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of November 1978, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: S. Eric DiNenna, Zoning Commissioner
 From: Leslie M. Gray, Director of Planning
 Date: October 31, 1978
 SUBJECT: Petition #79-102-A, ITEM 39, Petition for a Variance to permit a side yard setback
 South side of Alabama Avenue, 240 feet East of Dixie Drive
 Petitioner - John P. Higginbotham, et al.
 9th District

HEARING - Monday, November 6, 1978 (10:00 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

Leslie M. Gray
 Director of Planning

LHG:JGH

Mr. & Mrs. John P. Higginbotham
 411 Alabama Road
 Towson, Maryland 21204
 Item No. 39

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Ave.
 Towson, Maryland 21204

Your Petition has been received and accepted for filing
 this 22nd day of August 1978.

Eric DiNenna
 Zoning Commissioner

Petitioner: Higginbotham
 Petitioner's Attorney: Nicholas S. Commodari
 Reviewed by: Nicholas S. Commodari
 Chairman, Zoning Plans
 Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COPY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21204

October 11, 1978

Mr. & Mrs. John P. Higginbotham
 411 Alabama Road
 Towson, Maryland 21204

MEMBER
 Bureau of Engineering
 Department of Traffic Engineering
 State Roads Commission
 Bureau of Fire Protection
 Health Department
 Public Planning
 Building Department
 Board of Education
 Zoning Administration
 Industrial Development

RE: Variance Petition
 Item No. 39
 Petitioner - Higginbotham

Dear Mr. & Mrs. Higginbotham:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site filed inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,
 Nicholas S. Commodari
 NICHOLAS S. COMMODARI
 Chairman
 Zoning Plans Advisory Committee

NB/Cmw
 Enclosure

Baltimore County
 Department of Public Works
 TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
 DIRECTOR

October 5, 1978

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Re: Item #39 (1978-1979)
 Property Owner: John P. and Carolyn Q. Higginbotham
 8/8 Alabama Ave., 240' E. Dixie Dr.
 Existing Zoning: DR 5.5
 Proposed Zoning: Variance to permit a side setback of 5' in lieu of the required 10'.
 Acres: 0.1722 District: 9th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved. Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #39 (1978-1979).

Very truly yours,
 Thornton M. Mouring, P.E.
 THORNTON M. MOURING, P.E.
 Chief, Bureau of Engineering

END: EAM: PWR:SS

M-W Key Sheet
 3/1 NE 1 Post Sheet
 NE 10 A Topo
 70 Tax Map

Baltimore County
 Office of Planning and Zoning
 TOWSON, MARYLAND 21204
 (301) 644-3211

LESLIE M. GRAY
 DIRECTOR

October 23, 1978

Mr. S. Eric DiNenna, Zoning Commissioner
 Zoning Advisory Committee
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #39, Zoning Advisory Committee Meeting, August 22, 1978, are as follows:

Property Owner: John P. and Carolyn Q. Higginbotham
 Location: 8/8 Alabama Avenue 240' E. Dixie Drive
 Existing Zoning: D.R. 5.5
 Proposed Zoning: Variance to permit a side setback of 5' in lieu of the required 10'
 Acres: 0.1722
 District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,
 John L. Wimbley
 JOHN L. WIMBLEY
 Planner III
 Current Planning and Development

Baltimore County
 Department of Public Engineering
 TOWSON, MARYLAND 21204
 (301) 644-3202

STEPHEN E. COLLINS
 DIRECTOR

October 20, 1978

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Item No. 39 - SAC - August 22, 1978
 Property Owner: John P. and Carolyn Q. Higginbotham
 Location: 8/8 Alabama Ave., 240' E. Dixie Dr.
 Existing Zoning: D.R. 5.5
 Proposed zoning: Variance to permit a side setback of 5' in lieu of the required 10'.

Acres: 0.1722
 District: 9th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance to the side setback.

Very truly yours,
 Michael S. Flanagan
 Michael S. Flanagan
 Engineer Associate II

NSF/ma

